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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,957	09/29/2000	David Ewing	001580-585	2926

7590 08/13/2003

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EXAMINER

BAUTISTA, XIOMARA L

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/672,957

Applicant(s)

EWING, DAVID

Examiner

X L Bautista

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 23 is objected to because of the following informalities: "an key" (line 2) should be changed to --a--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by ***David Chester Gibson*** (EP 0514307 A2).

Claims 1, 7, 13, and 19:

Gibson discloses a method for manipulating a plurality of windows. Gibson teaches displaying a plurality of cascaded, open windows on a display to establish an original display layer order; the window on a first display layer is an active window and other inactive windows are partially hidden (abstract; col. 3, lines 1-7). The method receives an indication of an icon being selected and dragged (col. 3, lines 19-24, 37-50); it monitors the location of the icon (col. 3, lines 19-24, 53-

58; col. 4, lines 1-11). Gibson teaches programmed instruction which the user to temporarily prevent the automatic arrangement of the overlapping windows in order to maintain the windows in a particular stacked configuration (which suggests a timer). Gibson teaches that the override function or automatic returning to the pre-drag-and-drop condition minimizes the possibility for confusion (col. 3, lines 25-35; col. 4, lines 12-22; col. 11, lines 31-58). Gibson illustrates in fig. 1 a computer system having a processor, a screen display, and a plurality of input devices (col. 5, lines 13-23).

Claims 2, 8, 14, and 20:

See claim 1. Gibson teaches a visual indication of the icon being manipulated (drag/drop), and returning all inactive windows to the original display layered order respectively (abstract; col. 3, lines 25-35; col. 4, lines 12-22; col. 11, lines 31-58).

Claims 3, 9, 15, and 21:

See claim 1. Gibson teaches receiving indication of a predetermined function key being pressed (col. 1, lines 38-52; col. 2, lines 38-49).

Claims 4, 6, 10, 12, 16, 18, 22, and 24:

See claim 2. Gibson teaches automatically returning all open windows to the original display layered order after any operation by the user (col. 11, lines 21-58).

Claims 5, 11, 17, and 23:

See claim 3. Gibson teaches receiving an indication of a predetermined function key being pressed; and sending the window that gains the focus to the upmost position thereby overlapping the previously visible window (it sends the window on the first display to the bottom), (col. 2, lines 38-57).

Conclusion


4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X L Bautista whose telephone number is (703) 305-3921. The examiner can normally be reached on M-Th (8:00-18:00) Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Cabeca can be reached on (703) 308-3116. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Art Unit: 2173

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



X L Bautista
Patent Examiner
Art Unit 2173

xlb
August 8, 2003